

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GREGORY SMITH, et. al.,

Plaintiffs,

- against -

CITY OF NEW YORK, et. al.,

Defendants.

ORDER GOVERNING
INITIAL CONFERENCE
AND REQUIRED
DISCLOSURE

CV 2014-4776
(CBA)(MDG)

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An initial conference will be held in the above-captioned case on **December 4, 2014 at 11:15 a.m.**, before Marilyn D. Go, United States Magistrate Judge, in Courtroom No. 11C at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. The parties should first check-in with Chambers in Room 1214S. All parties must be present and fully prepared to discuss any issue regarding this case, including personal and subject matter jurisdiction, venue, potential discovery disputes, insurance coverage, affirmative defenses and settlement. **Counsel for plaintiffs is responsible for confirming that all necessary participants are aware of this conference** and must file a report at least three days before the conference to discuss the status of any sued party that has not appeared.

PRIOR TO THE INITIAL CONFERENCE, THE PARTIES MUST COMPLY WITH THE REQUIREMENTS OF RULE 26(f) OF THE FED. R. CIV. P. AS FOLLOWS.

At least five days before the conference, the parties must discuss the matters specified in Fed. R. Civ. P. 26(f) and 16(b) and

complete the attached questionnaire. Counsel need not file a written report or discovery plan required by Rule 26(f)(3), but must bring to the conference a copy of the completed questionnaire for the Court. Counsel must bring to the Court's attention any anticipated issues and agreements reached regarding electronic discovery, including the scope of such discovery, the preservation of electronically stored data, the cost of locating, maintaining and producing that data and the form of production. The parties should also advise whether they have reached any agreement on the procedures for assertion of privilege or of protection of trial preparation material produced in discovery.

All civil cases are subject to mandatory Electronic Case Filing (ECF). Only counsel of record registered for ECF in this district will receive electronic notices that a document has been filed via ECF. Any attorney for a party who wishes to receive ECF notices should promptly register for ECF and file a notice of appearance. The parties are warned that they will bear the consequences if they do not receive electronic notices due to counsel's failure to register for ECF or seek an exemption. See <http://www.nyed.uscourts.gov>.

THE PARTIES ARE REMINDED THAT THEY MUST COMPLY WITH THE PRIVACY REQUIREMENTS OF SET FORTH IN RULE 5.2 OF THE FEDERAL RULES OF CIVIL PROCEDURE, WHICH REQUIRE PARTIAL REDACTION OF ALL SOCIAL SECURITY NUMBERS, TAXPAYER IDENTIFICATION NUMBERS AND FINANCIAL ACCOUNT NUMBERS AND NAMES OF MINOR CHILDREN.

If this case is referred to Court-Annexed Arbitration, the parties may electronically file a request in writing either to

cancel the initial conference or to attend by telephone, provided they make the arrangements for a conference call. No request for adjournment will be considered unless filed at least seventy-two (72) hours before the scheduled conference and only after the parties have consulted with each other.

SO ORDERED.

Dated: Brooklyn, New York
November 7, 2014

/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE
(718) 613-2550

The parties must observe this Court's chambers rules, including the following:

*** No courtesy copies of submissions need to be provided to Judge Go if the submissions concern a dispositive motion returnable before the assigned District Judge which has not been referred to Magistrate Judge Go. If a document concerns a pretrial matter or motion to be handled by Judge Go, courtesy copies of submissions filed electronically must be provided to Magistrate Judge Go only if a submission is over ten pages OR contains more than two exhibits.**

Notice re Sealed Documents:

If a party seeks to submit a filing under seal, they must follow this Court's Electronic Case Filing procedures, which allow parties able to file documents electronically under seal provided they first file a motion for leave to do so and obtain the Court's permission. The instructions and a short tutorial are currently available on the Court's website at: <https://www.nyed.uscourts.gov/sites/default/files/forms/EfilingSealedCV.pdf>.

The parties should attempt to minimize the need to seal documents and should confer prior to filing a motion to seal. They are encouraged to redact confidential information that is not material to the matters addressed in a filing or to use initials or other code to protect the privacy and confidentiality of such information, in addition to the information described in Fed. R. Civ. P. 5.2.

INITIAL CONFERENCE QUESTIONNAIRE

1. Date for completion of Rule 26(a) automatic disclosures, if not yet exchanged: _____
2. Total number of interrogatories, if more than 25, by: plaintiff(s) _____ and defendant(s) _____
3. Maximum number of requests for admissions: _____
4. Number of depositions by plaintiff(s) of: parties _____ non-parties _____
5. Number of depositions by defendant(s) of: parties _____ non-parties _____
6. Number of depositions exceeding 7 hours: parties _____ non-parties _____
7. Will plaintiff(s) be seeking leave to send a collective action notice? ____ Yes ____ No
 If "No" or "N/A," go to 9.
 If "Yes," deadline for completion of collective action discovery: _____
8. Deadline for filing collective action motion or motion for pre-motion conference: _____
 Opposition _____ Reply (to motion) _____
9. Will plaintiff(s) be moving for class certification under Rule 23? ____ Yes ____ No
 If "No," go to 11.
 If "Yes," deadline for completion of class discovery: _____
10. Deadline for filing motion for class certification or motion for pre-motion conference: _____
 Opposition _____ Reply (if motion) _____
11. Deadline for seeking leave to amend pleadings: _____
12. Deadline for seeking leave to join new parties: _____
13. Number of contemplated additional parties to be joined: _____ plaintiff(s) _____ defendant(s)
14. Date for completion of factual discovery: _____
15. Number and type(s) of expert witnesses: plaintiff(s): _____ Type(s) _____
 defendant(s): _____ Type(s) _____
 Dates for medical expert report(s), if any : _____ plaintiffs _____ defendants
16. Dates for other expert report(s): _____ plaintiffs _____ defendants
17. Deadline for completing expert discovery: _____ medical _____ other
18. Types of contemplated dispositive motions: _____
19. Is there a need to protect certain information from disclosure? ____ (Y, N) If so, what: _____
20. Have counsel discussed and/or reached any agreements regarding electronic discovery? ____ (Y, N, n/a)
21. Have counsel discussed and/or reached any agreements pursuant Rule 502(d) of the Federal Rules of Evidence? _____

The parties are advised that they may consent to trial, including a jury trial, before a magistrate judge pursuant to 28 U.S.C. § 636(c). If they are prepared to consent to trial before a magistrate judge pursuant to 28 U.S.C. §§636(c), they may do so at the conference or later in the litigation. They should not indicate which party has declined if both parties do not consent.